THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 22393 of 2005

14-10-2005

Between:

M/s Gajanan Industries Mana Kondur, (Sadasivapalli Village)
rep. by its Managing Partner P.Srinivas, S/o. Anjaiah aged 39 years Occ:
Business, R/o.H.No.2-5-84, Prakasham Gunj, Karimnagar.

..... PETITIONER

AND

1 The Collector (Civil Supplies) Karimnagar, Karimnagar District. And

others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 22393 of 2005

O R D E R:

Heard both sides.

This writ petition is filed seeking a Writ of Mandamus to declare the action of the 2nd respondent in seizing 190 bags of rice each weighing 50 kgs from the petitioner rice mill on 03-05-2005 and also to declare the show cause notice issued by the 1st

respondent in Proc.No.G3/250/2005 dated 18-05-2005 proposing to black-list the petitioner from delivering mill levy to the Food Corporation of India as illegal and arbitrary.

In the affidavit, filed in support of the petition, it is the case of the petitioner that pursuant to the show cause notice dated 18-05-2005 issued in proceedings No.G3/250/2005, the respondents seized 190 bags of rice each weighing 50 kgs from the petitioner rice mill. It is further alleged that there is no material to show that the said rice was meant for Food for Work Programme. Referring to the said seizure, show cause notice dated 18.05.2005 has been issued to the petitioner calling upon explanation as to why his mill should not be black-listed for delivery of mill levy to Food Corporation of India. It is further stated that pursuant to the said show cause notice, the petitioner has already submitted his explanation on 01-06-2005, but till date neither any final orders have been passed nor notice was issued fixing the date of enquiry.

Now, the grievance of the petitioner is that inasmuch as no final orders are passed, the respondents cannot prevent him from delivering mill levy to the Food Corporation of India when such a facility is being extended to other similarly placed persons.

So far as seizure of rice is concerned, the petitioner is not questioning the same in this writ petition. But, however, from the show cause notice it is evident that explanation is sought for from the petitioner as to why his mill should not be black-listed for preventing delivery of mill levy to Food Corporation of India. Inasmuch as the petitioner has already submitted his explanation to the said show cause notice, it is for the respondents to consider the same and pass appropriate orders in accordance with law. At this stage, the petitioner cannot be deprived of the facility of supplying the mill levy to Food Corporation of India.

In that view of the matter, the writ petition is disposed of directing the respondents to accept the mill levy being supplied to the petitioners to Food Corporation of India as per the policy in vogue. However, it is also open for the respondents to pass appropriate final orders pursuant to the show cause notice dated 18-05-2005 as expeditiously as possible.

Subject to the above directions, the writ petition is disposed of. No costs.

14-10-2005

MjI/RNS